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PC-1696**REMARKS/ARGUMENTS**

Favorable consideration of this application is respectfully requested. Claims 1, 3, 8, 11, 23 have been amended, claims 2, 4, 5 have been canceled, and new claims 31-35 have been added. The specification has been amended for clarification purposes only. No new matter has been entered since the original application has antecedent basis for these amendments.

As to the objection to previously revised drawing Fig. 6, applicant has now included Replacement Drawing Sheet for Fig. 6 which makes the reference numbers more clearly readable. No new matter has been entered since the originally filed specification describes the relationship and order of assembly of these various parts on at least pages 5, 10, and page 13 of the specification. This amendment is further deemed to be acceptable, since the examiner "required" these corrections in response to the office action, and has accepted those previous corrections. Thus, removal of the drawing objection to Fig. 6 is respectfully requested.

The objections to claims 1, 11 and 23 are now moot since appropriate amendments following the examiner's suggestions have been made to those claims. Removal of these objections is respectfully requested.

Claims 1-3, 5, 8-11, 21 and 23 were rejected under sec. 112, second paragraph. The rejection to claim 23 is now moot since the limitation of dependent claim 10 has been incorporated to clarify dimensions of the enclosure. The rejection of the remaining claims is also now moot in view of the amendments to claim 1 and the cancellation of former dependent claim 5. Removal of this rejection is respectfully requested.

Independent claims 1 and 23 have been extensively amended to include novel subject matter, the combination of which is believed to be patentable. The preambles of both independent claims 1 and 23 have been amended from "comprising of " to "consisting essentially of" to further clarify the novel claimed features include the features of a preferred embodiment of the TWO MULTI-STAGE FILTERING SYSTEMS, that is described primarily on page 2, line 22, page 3, lines 21-26, page 6, lines 1-12, page 9, lines 19-21, and as recited in former independent claims 1 and 23.

Independent claims 1 and 23 have been further amended to clarify the "first multi-stage air filter system" and the "second multi-stage air filter system" are each located

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“outside” of the “enclosure” and are “piped” into the enclosure, through “single plastic tube(s)”, which is clearly shown by at least Figures 4, 6, and 8 and described in the specification on at least pages 9 and 13 of the specification.

Independent claims 1 and 23 have been further amended to clarify that the “walls and floor” of the “enclosure” are “solely/only” formed from a “multi-layer material” that is both “air tight” and “water tight”, and that there is an “egress portal” into the enclosure that has a “multi-layer fasteners” that is also “air tight” and “water tight.”, and claim 1 has been amended to include the “multi-layer material” is between “approximately 4 to approximately 4 to approximately 12 mils” thick. Support for these novel features is described on at least pages 6-8 of the specification.

Independent claim 23 has been amended and new claim 31 includes the “multi-layer material” being “approximately 6 to approximately 8 mils” thick, which is described on at least page 7 of the specification.

Independent claim 23 has been amended and new claim 32 includes the “plastic duct(s)” having a diameter of “at least approximately 3 inches” which is described on at least page 13 of the specification.

Independent claim 23 has been amended and new claim 33 includes “external power supplies...connected by cables.... the external power supplies being solely selected from the group consisting of solar power and rechargeable batteries”, which is described on at least page 6 of the specification.

Independent claim 23 and new claim 34 have been amended to clarify that the first multi-stage filter system” and the “second multi-stage filter system” each include blowers and filters that must be connected in series, support for which is clearly shown in at least Figures 4, 6 and 8 and the related descriptions of the specification. Furthermore, the novel configurations of the positive pressure blower being between the filters and the tent enclosure, and the negative pressure blower being located outside of and external to its’ connected filters, is shown and described in relation to at least Figures 4, 6 and 8.

Independent claim 23 and claim 8 have been amended to include the features of “an adjustable release valve attached to the enclosure for venting and releasing selected

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excess air pressure of approximately one pound per square inch from the enclosure” which is described on at least page 9 of the specification.

Independent claim 23 and new claim 35 include the features of the “each of the multi-layers being sealed to one another welded to one another by radio frequency welding”, which is described on at least pages 6 and 8 of the specification.

Claims 1, 5, 8-11 were rejected under sec. 103 as being unpatentable by Kotliar ‘850 in view of Knuth ‘619 and Eller ‘483.

Kotliar does NOT describe, teach or suggest TWO MULTI-STAGE FILTERING SYSTEMS as required by the subject claims. Kotliar ‘850 is limited to an “environment...for resting in for the purposes of improving health conditions of people with bronchial asthma and respiratory allergies.”, column 1, lines 12-15. Nowhere does Kotliar describe, teach or suggest filtering air going into the enclosure through one multi-stage filtering system and filtering air exiting the enclosure by another multi-stage filtering system, where each system has its own blower, and series of filters as required by the subject claims.

Furthermore, Kotliar teaches away from the subject invention by requiring a “HEPA filter 29 Fig. 2 and “HEPA filter 34” Fig. 3 that must be “installed in a special holder sewn in or embedded into a fabric or plastic wall of tent 21”, column 2, lines 556-58. This is substantially and structurally different from the subject invention which requires all their filters to be located outside of and external to the “dome shaped enclosure”, and only be connected to the enclosure through a “plastic duct.”

Kotliar is concerned with and requires “Air pressure remains near normal inside tent 11 as a result of air exiting gaps in the tent construction...” The subject invention requires “water tight” and “air tight” walls and floor, and a portal opening that all require “multi-layer materials...”, with novel thicknesses. The subject invention claims require “maintaining” a “positive pressure” inside the enclosure which is clearly opposite that of Kotliar. Nowhere does Kotliar teach, suggest or describe these claimed features. Thus, removal of the Kotliar reference is respectfully requested.

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Knuth '619 does not overcome the deficiencies to Kotliar described above. Knuth does NOT describe, teach or suggest the claimed two multi-stage filtering systems as claimed by the subject invention, each with its' own blowers, and filters that are located outside of the enclosure. Knuth '619 is limited to a portable "system" for "removing...contaminants and ...purifying the air of a contained environment...", column 1, lines 8-13. Knuth clearly requires placement of their "self-contained portable" device that is mounted on wheels INSIDE of a room space which is opposite from and both functionally different from and structurally different from the claimed two multi-stage filtering systems of the subject invention. Knuth does not describe, teach or suggest the claimed novel two multi-stage filtering systems each with their own blowers, and filters that connect to the enclosure through single plastic ducts as claimed by the subject invention, and all the other features claimed by the subject invention. Thus, removal of Knuth is respectfully requested.

Eller '483 does not overcome the deficiencies to both Kotliar and Knuth described above. Eller does not filter incoming air but only outgoing air, and clearly requires many components to work, such as "conditioning air with refrigeration and temperature maintaining controls, abstract, and also requires their system be mounted to a permanent building, such is clearly opposite that of the subject invention. There is no "multi-layer material" that becomes a "dome shaped enclosure" by "bendable poles" as required by the subject invention, as well as other features required by the subject claims. Thus, removal of Eller is respectfully requested.

Applicant disagrees with the examiner's suggestion that the size dimensions of claim 10 are merely obvious.

Applicant further disagrees with the statements that in regard to claim 8 which is now amended that "Kotliar discloses...additional air escape openings..." Claim 23 and claim 8 have been amended to include the features of "an adjustable release valve attached to the enclosure for venting and releasing selected excess air pressure of approximately one pound per square inch from the enclosure" which is described on at least page 9 of the specification. Clearly, the amended claimed features of claim 8 are not described, taught or suggested by Kotliar.

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It is clearly improper to arbitrarily ignore any of features of the claims. Under the rules, if the applicant requests the examiner cite the reference(s) showing each and every one of the references that supports a rejection, the examiner must cite the reference or remove the rejection. Applicant requests the examiner specifically point out which uncited reference(s) describes and teaches these unsubstantiated opinions and assertions raised in the rejection that at least these features are obvious under sec. 103. If actual references are not cited and supplied to the applicant to show these unsubstantiated opinions and assertions mentioned in their rejection, the applicant respectfully requests removal the 103 rejection for at least these reasons alone.

Claims 2-3 were rejected under sec. 103 as being unpatentable over Kotliar in view of Knuth and further in view of Grisenbeck. Since this rejection refers to dependent claims 2-3, which depend from independent claim 1 and claim 1 was further rejected by the Eller reference, applicant interprets this rejection must be the combination of Kotliar in view of Knuth, in view of Eller and that combination in view of Grisenbeck.

The Grisenbeck references does not overcome the deficiencies to Kotliar, Knuth and Eller described above. Grisenbeck describes a "Bed Tent." Grisenbeck describes its' use as a "children's toy"....(with cotton sheeting material)" or having a single layer of "water-repellant materials", or "loosely woven material...", column 3. Grisenbeck clearly does not describe, teach taught or suggest using "multi-layer material" that is "water tight", "air tight" is used to "protect and seal the occupants from the biological and chemical airborne agents and nuclear fallout" as required by the claims.

Grisenbeck does not describe, teach or suggest the claimed novel two multi-stage filtering systems each with their own blowers, and filters that connect to the enclosure through single plastic ducts as claimed by the subject invention, and all the other features claimed by the subject invention. Thus, removal of Grisenbeck is respectfully requested.

Claims 21 and 23 were rejected under sec. 103 as being rejected by Kotliar in view of Knuth and further and Eller, and further in view of Searle. The Searle reference also does not overcome the deficiencies to Kotliar, Knuth or Eller. Searle requires a "filter apparatus" that must be located inside of a space and not outside of and external to the "enclosure" as required by the claims. Searle does not describe, teach or suggest the claimed novel two multi-stage filtering systems each with their own blowers, and filters

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that connect to the enclosure through single plastic ducts as claimed by the subject invention, and all the other features claimed by the subject invention. Thus, removal of this rejection is respectfully requested.

The mere fact that someone in the art can rearrange parts of a reference device to meet the terms of a claim is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for someone of ordinary skill in the art, without the benefit of the inventor's specification to make the necessary changes in the reference device. *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

There is no teaching, nor suggestion for modifying the references of record to include all the novel features of the claims. Under well recognized rules of the MPEP (for example, section 706.02(j)), the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant contends the references cannot be modified to incorporate the features of subject claims 1, 3, 8-11, 23 and 31-35 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

There is no evidence or suggestion in the cited references of having the novel configuration systems of the subject invention claims. *Ex Parte Katoh et al*, Appeal 20071460, Decided May 29, 2007; *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d at 1397.

There is no suggestion to combine the references as advanced by the Examiner, except from using Applicant's invention as a template through a hindsight reconstruction of Applicants claims, and a factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of argument reliant upon ex post reasoning. *Ex Parte Crawford et al*, Appeal 20062429, Decided May 30, 2007." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1397.

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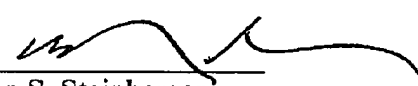
Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006). *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d at 1397.

Further, the Examiner has not provided any evidence that it was conventional in the art to combine the references of record to reject the subject claims, which the Board of Appeals has stated in impermissible. *Ex Parte Owlett*, Appeal 20070644, Decided June 20, 2007

The Courts and the Board of Appeals has held that an Examiner who has not provided a sufficient reason or explicit analysis of why the disclosures of the references should be combined, must REMOVE the rejection. *Ex Parte Erkey et al*, Appeal 20071375, Decided May 11, 2007. Here, there is no sufficient reason or explicit analysis for combining these references to reject the subject claims.

For the above reasons, applicant respectfully requests that claims 1, 3, 8-11, 23 and 31-35 be allowed and a notice of allowance be issued. Such action is respectfully requested. Alternatively, Applicant respectfully requests for an interview with Examiner Winnie Yip and Supervisor David Dunn if the above amendments does not place the application in condition for allowance. Such action is respectfully requested.

Respectfully Submitted;

  
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Date

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